

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 25, 2017

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Christobal Miguel Rios Case Number: 0980 2:13CR02059-SAB-1

Address of Offender: Othello, Washington 99344

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, U.S. District Judge

Date of Original Sentence: October 1, 2013

Original Offense: Felon in Possession of Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 60 months; TSR - 36 months Type of Supervision: Supervised Release

Revocation

Sentence: Prison - 3 months; TSR- 33 months
(June 13, 2017)

Asst. U.S. Attorney: Laurel Holland

Date Supervision Commenced: August 30, 2017

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: May 29, 2020

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition # 2:</u> The defendant shall not commit another Federal, state, or local crime.
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Supporting Evidence: On October 2, 2017, Christobal Miguel Rios submitted a false written statement to the U.S. Probation Officer wherein he knowingly denied the use of marijuana following the submission of a positive drug test. On October 4, 2017, the drug test was confirmed positive for the use of marijuana. Mr. Rios then admitted that he used marijuana and lied to the probation officer about not using. This conduct is in violation of 18 U.S.C. § 1001.

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- 2 **Mandatory Condition # 3:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: On October 2, 2017, Christobal Miguel Rios submitted to urine drug testing which tested positive for the use of marijuana. Mr. Rios initially denied any drug use. On October 4, 2017, the laboratory confirmed that the sample was positive for marijuana.

- 3 **Mandatory Condition # 3:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: On October 10, 2017, Christobal Miguel Rios submitted to urine drug testing which tested positive for the use of marijuana. Mr. Rios initially denied any new drug use. On October 14, 2017, the laboratory confirmed that the sample was positive for the use of marijuana. Due to the offender's denial of any new use, an interpretation report was requested from the laboratory. After comparing the samples submitted on October 2 and October 10, 2017, it was the Director of Toxicology's opinion that the October 10, 2017, test reflected additional marijuana use after October 2, 2017.

- 4 **Mandatory Condition # 3:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: On October 19, 2017, Christobal Miguel Rios submitted to urine drug testing which tested positive for the use of marijuana. The offender admitted, in writing, to using marijuana on October 15, 2017. On October 22, 2017, the laboratory confirmed that the sample was positive for the use of marijuana.

- 5 **Special Condition # 20:** You will be monitored by the form of location monitoring technology indicated below for a period of three months, and you must follow the rules and regulations of the location monitoring program. The specifics of the location monitoring technology are at the direction of the probation officer.

Supporting Evidence: On September 30, 2017, Christobal Miguel Rios left his residence and traveled to Sunnyside, WA, without asking or receiving permission from the probation officer. On October 2, 2017, this officer met with the offender and he admitted that he did not have permission to leave his residence.

On October 1, 2017, Mr. Rios again left his residence without permission. The offender was confronted about the unauthorized leave and he claimed that he was giving a co-worker a ride home. It was noted that Mr. Rios had not previously left his residence to go to work. Mr. Rios later admitted that he had left the residence to get marijuana.

On October 15, 2017, Mr. Rios again left his residence without permission. Mr. Rios traveled to two locations in Moses Lake. Further investigation revealed that one location was

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Mary Jane's, a marijuana distributor. When the offender was confronted about this location, he admitted to going into the store, but denied buying any marijuana. He then went to a convenience store nearby that had fried food that he liked. Later, Mr. Rios admitted that he had purchased and used marijuana.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/24/2017

s/Curtis G. Hare

Curtis G. Hare
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Stanley A. Bastian for Robert H. Whaley

10/25/2017

Date